REMARKS

Claims 1-15 are pending. Reconsideration and allowance are respectfully requested based on the following comments.

The Office Action rejects claims 1-2, 4-5, 7-14 under 35 U.S.C. § 102(b) as being anticipated by Roberts (U.S. Patent No. 6,031,647); claim 3 under 35 U.S.C. § 103(a) as being unpatenable over Roberts in view of Sorin et al. (U.S. Patent No. 2002/0003915A1); and claims 6-15 under 35 U.S.C. § 103(a) as being unpatenable over Roberts. These rejections are respectfully traversed.

The Office Action alleges that Roberts teaches each of the claim features except for a detector. The Office Action alleges that "a detector is an inherent component of the controller" and therefore Roberts "fully anticipates the detector as coupled to the input point via an optical tap, which the detector detects the power level of the attenuated signal." Applicant respectfully disagrees with the allegations presented in the Office Action.

Roberts provides a system in which output signals of transmitters 21,22 are provided to respective attenuators 23,24 to attenuate the output signal of the transmitters 21,22. The output of the attenuators 23,24 are fed to an optical multiplexer 25 which provides an optically multiplexed total power signal to an optical tap 26. The optical tap 26 provides this total power signal to a total power controller 27. From this signal, the total power controller 27 controls the

attenuators 23,24 to vary the output power of one or more signals from transmitters before optical multiplexing.

The system of Roberts is different from the system of the present invention and lacks several features cited in Applicant's independent claims 1 and 9.

As recited in claim 1, the VOA controller is coupled to the VOA and the signaling channel and receives the power value from the signaling channel. The signaling channel is coupled to the detector and the detector is coupled to the component (e.g. a WDM receiver network element receiving multiple WDM signals). Thus, the power value is being provided to the VOA controller from the detector via the signaling channel.

In contrast, Roberts provides a total power signal from the transceiver. The power signal is **not** provided by a detector located in the transceiver by way of a signaling channel as in the present invention.

Further, as recited in claims 1 and 9, the VOA attenuating factor is adjusted or selected so that the selected signal power level is achieved or detected at the input to the component. In contrast, Roberts provides a system where the power controller controls the attenuators and/or individual output power controls for the transmitters. See column 5, lines 25-28. In Roberts, the power controller only controls the output of power from the transceivers and does not achieve detection and selection of the power level at the input of the transceivers, as provided in the present invention.

Furthermore, the use of a detector in the manner claimed by Applicant is not inherent as alleged in the Office Action. The detector of the present invention is provided within a transceiver. The detector as recited in claim 1 is coupled to the signaling channel and includes logic to transmit the power value on the signaling channel. Also, as recited in claim 9, the detector detects a power value for the second optical signal at the input of the component.

As stated above, the system of Roberts fails to transmit the power value on the signaling channel and fails to detect power at the input of the component (transceiver). In fact, Roberts' system operates contrary to the present invention by utilizing detected power after it has been processed through the attenuator, multiplexer and optical tap. Thus, the detector of the present invention as claimed, could not be inherent to Roberts' system.

Moreover, Applicant's invention does not utilize an optical tap as provided in Roberts' system. Thus, the Office Action's assertion that the "detector that is coupled to the input port via an optical tap" provides Applicant's claimed detector, is inaccurate and adds features not claimed in the system of the present invention.

Furthermore, Sorin fails to make up for the deficiencies of Roberts. Accordingly, in view of the above, Applicant respectfully submits that the references alone or in combination fail to provide Applicant's claimed invention.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-15 are distinguishable over the cited references. Favorable reconsideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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